***THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY***

**W.P.No.26411 of 2005**

**Dated 13-12-2005**

**Between:**

N.R.Reddy, Mahabubnagar District

…Petitioner

a n d

The Depot Manager,

APSRTC, Nagarkurnook Bus Depot,

Mahabubnagar District

And others

…Respondents

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**ORDER:**

The petitioner is working as a Conductor in the A.P.S.R.T.C. The Depot Manager, Wanaparthy, the 2nd respondent herein, initiated disciplinary proceedings against him, and through an order dated 07-05-2001, removed the petitioner from service. Aggrieved thereby, the petitioner preferred an appeal before the Divisional Manager, the 3rd respondent. Through order dated 15-04-2002, the 3rd respondent took the view that the charges against the petitioner were not proved, and accordingly set aside the order of removal and directed reinstatement. So far as the period from the

date of removal to the date of reinstatement is concerned, he directed that the same be treated as leave, without pay. The grievance of the petitioner is that the 2nd respondent did not grant increments to the petitioner for the period during which, he was out of service.

Heard the learned counsel for the petitioner and learned Standing Counsel for the respondents.

The order of removal passed against the petitioner was set aside by the Appellate Authority on 15-04-2002. A finding was recorded to the effect that the charges levelled against the petitioner were not proved. Having directed reinstatement of the petitioner, the 3rd respondent ordered that the period from the date of removal till the date of reinstatement be treated as leave, without pay. Once the said period is treated as leave, may be without pay, the petitioner is deemed to be in service, for all practical purposes. He does not get wages for that period. However, the other benefits, such as continuity of service and counting of the period, for the purpose of granting of increments cannot be denied to the petitioner. Such an eventuality would have arisen, if only there was any break in service.

Therefore, the writ petition is disposed of, directing that the 2nd respondent shall extend necessary benefit to the petitioner, such as increments, for the period between the date of removal and date of reinstatement into service. The petitioner shall be entitled for the arrears, consequent upon the refixation of the pay, only with effect from the date of reinstatement, and not earlier thereto. There shall be no order as to costs.

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**L. NARASIMHA REDDY, J.**

Dt.13-12-2005.

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